

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2224

Introduced by Assembly Member Ruskin

February 18, 2010

An act to amend Section 25288 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2224, as amended, Ruskin. Hazardous substances: underground storage tanks.

Existing

(1) *Existing* law generally requires a local agency, as defined, to inspect every underground tank system, as defined, that is used for the storage of hazardous substances, at least once every year. After conducting the inspection, the local agency is required to prepare a compliance report detailing the inspection and to send a copy of the report to the permitholder and the owner or operator. Existing law authorizes the local agency, instead of performing the inspection itself, to require the permitholder to employ a special inspector to conduct the annual inspection. Within 60 days of receiving a compliance report or special inspection report, the permitholder is required to file with the local agency a plan to implement all recommendations contained in the compliance report or to demonstrate why those recommendations should not be implemented.

This bill would ~~make technical, nonsubstantive changes to those provisions~~ *require the California Environmental Protection Agency, by June 30, 2011, and in consultation with specified entities, to implement a process by which the local agency may verify annually the*

accuracy of the tank number issued by the State Board of Equalization, to determine that the tank number is the correct and accurate number for the permitted tank. The bill would require the local agency, pursuant to that process, to verify annually that the tank number issued by the State Board of Equalization for the permitted tank is correct and accurate, thereby implementing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25288 of the Health and Safety Code is
2 amended to read:

3 25288. (a) The local agency shall inspect every underground
4 tank system within its jurisdiction at least once every year. The
5 purpose of the inspection is to determine whether the tank system
6 complies with the applicable requirements of this chapter and the
7 regulations adopted by the board pursuant to Section 25299.3,
8 including the design and construction standards of Section 25290.1,
9 25290.2, 25291, or 25292, whichever applies, whether the owner
10 or operator has monitored and tested the tank system as required
11 by the permit, and whether the tank system is in a safe operating
12 condition.

13 *(b) (1) On or before June 30, 2011, the California*
14 *Environmental Protection Agency shall implement a process by*
15 *which the local agency may verify annually the accuracy of the*
16 *tank number issued by the State Board of Equalization, to*
17 *determine that the tank number is the correct and accurate number*
18 *for the permitted tank. In developing the process, the California*
19 *Environmental Protection Agency shall consult with the State*
20 *Board of Equalization, local agencies, regulated parties, and other*
21 *interested parties.*

22 *(2) The local agency, pursuant to the process established under*
23 *paragraph (1), shall verify annually that the tank number issued*

1 *by the State Board of Equalization for the permitted tank is correct*
2 *and accurate.*

3 ~~(b)~~

4 (c) After an inspection conducted pursuant to subdivision (a),
5 the local agency shall prepare a compliance report detailing the
6 inspection and shall send a copy of this report to the permitholder
7 and the owner or operator, if the owner or operator is not the
8 permitholder. A report prepared pursuant to this section shall be
9 consolidated into any other inspection reports required pursuant
10 to Chapter 6.11 (commencing with Section 25404), the
11 requirements listed in subdivision (c) of Section 25404, and the
12 regulations adopted to implement the requirements listed in
13 subdivision (c) of Section 25404.

14 ~~(e)~~

15 (d) In lieu of the annual local agency inspections, the local
16 agency may require the permitholder to employ a special inspector
17 to conduct the annual inspection. The local agency shall supply
18 the permitholder with a list of at least three special inspectors that
19 are qualified to conduct the inspection. The permitholder shall
20 employ a special inspector from the list provided by the local
21 agency. The special inspector's authority shall be the same as that
22 of the local agency as set forth in subdivision (a).

23 ~~(d)~~

24 (e) Within 60 days after receiving a compliance report or special
25 inspection report prepared in accordance with subdivision ~~(b)~~ (c)
26 or ~~(e)~~ (d), respectively, the permitholder shall file with the local
27 agency a plan to implement all recommendations contained in the
28 compliance report or shall demonstrate, to the satisfaction of the
29 local agency, why these recommendations should not be
30 implemented. Any corrective action conducted pursuant to the
31 recommendations in the report shall be taken pursuant to Sections
32 25296.10 and 25299.36.

33 *SEC. 2. No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution because*
35 *a local agency or school district has the authority to levy service*
36 *charges, fees, or assessments sufficient to pay for the program or*
37 *level of service mandated by this act, within the meaning of Section*
38 *17556 of the Government Code.*

O